

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD GATHRIGHT, No. CIV S-02-1833-DFL-CMK-P

Plaintiff,

vs.

ORDER

T.L. ROSARIO, et al.,

Defendants.

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 72-302(c)(21).

On October 26, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within ten days. Plaintiff has not filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed October 26, 2005, are adopted in
3 full;

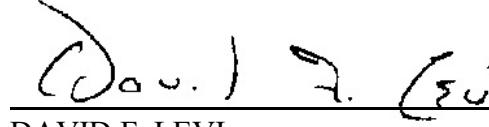
4 2. Defendants' motion for summary judgment is granted; and

5 3. The Clerk of the Court is directed to enter judgment and close this file.

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7 DATED: 1/31/2006

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10 DAVID F. LEVI
11 United States District Judge